

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

JASON BRINGUS,
Plaintiff,

vs.

STEVE ELFERTS,
Defendant.

No. C15-3111-MWB

INITIAL REVIEW ORDER

This matter is before me on the plaintiff's application to proceed in forma pauperis (Doc. No. 1). Along with that application, the plaintiff submitted a complaint (Doc. No. 1-1).

I. IN FORMA PAUPERIS UNDER 28 U.S.C. § 1915

Based on the plaintiff's application to proceed in forma pauperis, I find that the plaintiff does not have sufficient funds to pay the required filing fee. 28 U.S.C. § 1914(a) (requiring \$350.00 filing fee). Thus, in forma pauperis status shall be granted to the plaintiff. *See generally* 28 U.S.C. § 1915. The clerk's office shall be directed to file the plaintiff's complaint without the prepayment of the filing fee. Although the court deemed it appropriate to grant the plaintiff in forma pauperis status, the plaintiff is required to pay the full \$350.00 filing fee by making payments on an installment basis. 28 U.S.C. § 1915(b)(1); *see also In re Tyler*, 110 F.3d 528, 529-30 (8th Cir. 1997) ("[T]he [Prisoner Litigation Reform Act] makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or files an appeal."). The full filing fee will be collected even if the court dismisses the case because it is frivolous or malicious, fails to state a claim on which relief may be granted or seeks money damages against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

Here, the plaintiff must pay an initial partial filing fee in the amount of 20 percent of the greater of his average monthly account balance or average monthly deposits for the six months preceding the filing of the complaint. 28 U.S.C. § 1915(b)(1). Based on the information that the plaintiff provided, I find that the plaintiff is unable to submit an initial partial filing fee. *Id.* Nonetheless, the plaintiff shall be directed to “make monthly payments of 20 percent of the preceding month’s income credited to the prisoner’s account.” 28 U.S.C. § 1915(b)(2). The statute places the burden on the prisoner’s institution to collect the additional monthly payments and forward them to the court. Specifically,

the prisoner shall be required to make monthly payments of 20 percent of the preceding month’s income credited to the prisoner’s account. The agency having custody of the prisoner shall forward payments from the prisoner’s account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.

28 U.S.C. § 1915(b)(2). Therefore, installments shall be collected by the institution having custody of the plaintiff. *Id.* The clerk’s office shall send a copy of this order and the notice of collection of filing fee to the appropriate official at the place where the plaintiff is an inmate.

II. THE PLAINTIFF’S COMPLAINT

I am unable to determine as a matter of law whether the plaintiff’s complaint is frivolous, fails to state a claim upon which relief can be granted or seeks monetary relief against a defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2); 28 U.S.C. § 1915A(b). Consequently, I find that the matter is best addressed after receipt of an answer or any dispositive motion deemed appropriate. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Money v. Moore*, 877 F.2d 9, 10 (8th Cir. 1989). The clerk’s office shall serve the complaint on the defendant and mail a copy of the complaint to Webster County Attorney. A copy of this order is to accompany the documents being served. The

Webster County Attorney shall notify the court immediately if she lacks the consent of the defendant to appear generally on his behalf and submit to the jurisdiction of the court. The defendant shall file an answer or other dispositive motion by no later than September 30, 2015.

IT IS THEREFORE ORDERED:

(1) The plaintiff's application to proceed in forma pauperis (Doc. No. 1) is granted.

(2) The clerk's office is directed to file the complaint (Doc. No. 1-1) as a new entry without the prepayment of the filing fee.

(3) The plaintiff is directed to make monthly payments of 20 percent of the preceding month's income credited to his account at the prison.

(4) The institution having custody of the plaintiff is directed to collect and remit monthly payments in the manner set forth in 28 U.S.C. § 1915(b)(2). Until the \$350.00 filing fee is paid in full, the plaintiff is obligated to pay and the institution having custody of him is obligated to forward 20 percent of the preceding month's income credited to his account each time the amount in the account exceeds \$10.00.

(5) The clerk's office is directed to send a copy of this order and the notice of collection of filing fee to the appropriate official at the place where the plaintiff is an inmate.

(6) The clerk's office is directed to serve the complaint on the defendant and mail a copy of the complaint to the Webster County Attorney without the prepayment of fees and costs. A copy of this order is to accompany the documents being served. The Webster County Attorney is directed to notify the court immediately if she lacks the consent of the defendant to appear generally on his behalf and submit to the jurisdiction of the court. The defendant is directed to file an answer or other dispositive motion by no later than **September 30, 2015**.

IT IS SO ORDERED.

DATED this 26th day of August, 2015.



LEONARD T. STRAND
UNITED STATES MAGISTRATE JUDGE

TO: WARDEN/ADMINISTRATOR
Clarinda Correctional Facility, Clarinda, Iowa

NOTICE OF COLLECTION OF FILING FEE

You are hereby given notice that Jason Bringus, #6493562, an inmate at your facility, filed the following lawsuit in the United States District Court for the Northern District of Iowa: *Bringus v. Elferts*, Case No. C15-3111-MWB. The inmate was granted in forma pauperis status pursuant to 28 U.S.C. § 1915(b), which requires partial payments of the \$350.00 filing fee. Based on the inmate's account information, the court has not assessed an initial partial filing fee. *See* 28 U.S.C. § 1915(b)(1). Nonetheless,

the [inmate] shall be required to make monthly payments of 20 percent of the preceding month's income credited to [his] account. The agency having custody of the [inmate] shall forward payments from [his] account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.

28 U.S.C. § 1915(b)(2). Therefore, you must monitor the account and send payments to the clerk of court according to the system provided in 28 U.S.C. § 1915(b)(2), that is, you should begin making monthly payments of 20 percent of the preceding month's income credited to the inmate's account.

Please make the appropriate arrangements to have these fees deducted and sent to the court as instructed.

/s/ djs, Deputy Clerk

Robert L. Phelps
U.S. District Court Clerk
Northern District of Iowa

**NOTICE OF LAWSUIT
and REQUEST FOR
WAIVER OF SERVICE OF SUMMONS**

TO THE NAMED DEFENDANT(S) IN THE FOLLOWING CAPTIONED ACTION:

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

JASON BRINGUS,

Plaintiff,

vs.

STEVE ELFERTS,

Defendant.

No. C15-3111-MWB

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint and a copy of the corresponding order from this court are attached. This complaint has been filed in the United States District Court for the Northern District of Iowa.

Pursuant to Rule 4 of the Federal Rules of Civil Procedure, you have an obligation to cooperate in saving unnecessary costs of service of summons and complaint. Please sign the enclosed document where appropriate acknowledging receipt of the complaint and notice of this pending lawsuit and waiving formal service of summons. After signing the enclosed document, please return it to the United States Clerk's Office in the envelope provided within thirty (30) days of this date: 8/26/2015.

I affirm that this notice and request for waiver of service of summons is being sent to you on behalf of the plaintiff, this August 26, 2015.

/s/ djs, Deputy Clerk
Signature (Clerk's Office Official)
Northern District of Iowa

**ACKNOWLEDGMENT OF RECEIPT OF
NOTICE OF LAWSUIT,
and WAIVER OF SERVICE OF SUMMONS**

(**Return **this** document within thirty days after 08/26/2015, to the United States Clerk's Office in the envelope provided.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

JASON BRINGUS,

Plaintiff,

vs.

STEVE ELFERTS,

Defendant.

No. C15-3111-MWB

I acknowledge receipt of the complaint and notice of the lawsuit in which I (or the entity on whose behalf I am addressed) have been named a defendant. I have received and/or read the complaint accompanying this document.

I agree to save the cost of service of a summons and an additional copy of the complaint by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure. I hereby waive service of summons.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the service of summons. I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if an answer or motion under Rule 12 of the Federal Rules of Civil Procedure is not served within 60 days after 08/26/2015, (the date Notice, Waiver and corresponding documents were sent).

Date _____

Signature _____

Printed name _____

As _____ of _____

(Title) (Entity)

Date _____

Signature _____

Printed name _____

As _____ of _____

(Title) (Entity)

Date _____

Signature _____

Printed name _____

As _____ of _____

(Title)	(Entity)
1. The Role of the Teacher	Teacher
2. The Role of the Student	Student
3. The Role of the Parent	Parent
4. The Role of the Society	Society
5. The Role of the Government	Government
6. The Role of the Church	Church
7. The Role of the Media	Media
8. The Role of the Arts	Arts
9. The Role of the Sciences	Sciences
10. The Role of the Humanities	Humanities
11. The Role of the Social Sciences	Social Sciences
12. The Role of the Natural Sciences	Natural Sciences
13. The Role of the Health Sciences	Health Sciences
14. The Role of the Environmental Sciences	Environmental Sciences
15. The Role of the Life Sciences	Life Sciences
16. The Role of the Physical Sciences	Physical Sciences
17. The Role of the Earth Sciences	Earth Sciences
18. The Role of the Space Sciences	Space Sciences
19. The Role of the Astronomical Sciences	Astronomical Sciences
20. The Role of the Biological Sciences	Biological Sciences
21. The Role of the Chemical Sciences	Chemical Sciences
22. The Role of the Geological Sciences	Geological Sciences
23. The Role of the Atmospheric Sciences	Atmospheric Sciences
24. The Role of the Oceanographic Sciences	Oceanographic Sciences
25. The Role of the Planetary Sciences	Planetary Sciences
26. The Role of the Interplanetary Sciences	Interplanetary Sciences
27. The Role of the Interstellar Sciences	Interstellar Sciences
28. The Role of the Intergalactic Sciences	Intergalactic Sciences
29. The Role of the Cosmological Sciences	Cosmological Sciences
30. The Role of the Astrophysical Sciences	Astrophysical Sciences
31. The Role of the Space Sciences	Space Sciences
32. The Role of the Astronomical Sciences	Astronomical Sciences
33. The Role of the Biological Sciences	Biological Sciences
34. The Role of the Chemical Sciences	Chemical Sciences
35. The Role of the Geological Sciences	Geological Sciences
36. The Role of the Atmospheric Sciences	Atmospheric Sciences
37. The Role of the Oceanographic Sciences	Oceanographic Sciences
38. The Role of the Planetary Sciences	Planetary Sciences
39. The Role of the Interplanetary Sciences	Interplanetary Sciences
40. The Role of the Interstellar Sciences	Interstellar Sciences
41. The Role of the Intergalactic Sciences	Intergalactic Sciences
42. The Role of the Cosmological Sciences	Cosmological Sciences
43. The Role of the Astrophysical Sciences	Astrophysical Sciences
44. The Role of the Space Sciences	Space Sciences
45. The Role of the Astronomical Sciences	Astronomical Sciences
46. The Role of the Biological Sciences	Biological Sciences
47. The Role of the Chemical Sciences	Chemical Sciences
48. The Role of the Geological Sciences	Geological Sciences
49. The Role of the Atmospheric Sciences	Atmospheric Sciences
50. The Role of the Oceanographic Sciences	Oceanographic Sciences
51. The Role of the Planetary Sciences	Planetary Sciences
52. The Role of the Interplanetary Sciences	Interplanetary Sciences
53. The Role of the Interstellar Sciences	Interstellar Sciences
54. The Role of the Intergalactic Sciences	Intergalactic Sciences
55. The Role of the Cosmological Sciences	Cosmological Sciences
56. The Role of the Astrophysical Sciences	Astrophysical Sciences
57. The Role of the Space Sciences	Space Sciences
58. The Role of the Astronomical Sciences	Astronomical Sciences
59. The Role of the Biological Sciences	Biological Sciences
60. The Role of the Chemical Sciences	Chemical Sciences
61. The Role of the Geological Sciences	Geological Sciences
62. The Role of the Atmospheric Sciences	Atmospheric Sciences
63. The Role of the Oceanographic Sciences	Oceanographic Sciences
64. The Role of the Planetary Sciences	Planetary Sciences
65. The Role of the Interplanetary Sciences	Interplanetary Sciences
66. The Role of the Interstellar Sciences	Interstellar Sciences
67. The Role of the Intergalactic Sciences	Intergalactic Sciences
68. The Role of the Cosmological Sciences	Cosmological Sciences
69. The Role of the Astrophysical Sciences	Astrophysical Sciences
70. The Role of the Space Sciences	Space Sciences
71. The Role of the Astronomical Sciences	Astronomical Sciences
72. The Role of the Biological Sciences	Biological Sciences
73. The Role of the Chemical Sciences	Chemical Sciences
74. The Role of the Geological Sciences	Geological Sciences
75. The Role of the Atmospheric Sciences	Atmospheric Sciences
76. The Role of the Oceanographic Sciences	Oceanographic Sciences
77. The Role of the Planetary Sciences	Planetary Sciences
78. The Role of the Interplanetary Sciences	Interplanetary Sciences
79. The Role of the Interstellar Sciences	Interstellar Sciences
80. The Role of the Intergalactic Sciences	Intergalactic Sciences
81. The Role of the Cosmological Sciences	Cosmological Sciences
82. The Role of the Astrophysical Sciences	Astrophysical Sciences
83. The Role of the Space Sciences	Space Sciences
84. The Role of the Astronomical Sciences	Astronomical Sciences
85. The Role of the Biological Sciences	Biological Sciences
86. The Role of the Chemical Sciences	Chemical Sciences
87. The Role of the Geological Sciences	Geological Sciences
88. The Role of the Atmospheric Sciences	Atmospheric Sciences
89. The Role of the Oceanographic Sciences	Oceanographic Sciences
90. The Role of the Planetary Sciences	Planetary Sciences
91. The Role of the Interplanetary Sciences	Interplanetary Sciences
92. The Role of the Interstellar Sciences	Interstellar Sciences
93. The Role of the Intergalactic Sciences	Intergalactic Sciences
94. The Role of the Cosmological Sciences	Cosmological Sciences
95. The Role of the Astrophysical Sciences	Astrophysical Sciences
96. The Role of the Space Sciences	Space Sciences
97. The Role of the Astronomical Sciences	Astronomical Sciences
98. The Role of the Biological Sciences	Biological Sciences
99. The Role of the Chemical Sciences	Chemical Sciences
100. The Role of the Geological Sciences	Geological Sciences

Date _____

Signature _____

Printed name _____

As _____ of _____

(Title)	(Entity)
1. The Role of the Teacher	Teacher
2. The Role of the Student	Student
3. The Role of the Parent	Parent
4. The Role of the Society	Society
5. The Role of the Government	Government
6. The Role of the Media	Media
7. The Role of the Church	Church
8. The Role of the Family	Family
9. The Role of the Community	Community
10. The Role of the Nation	Nation
11. The Role of the World	World
12. The Role of the Universe	Universe
13. The Role of the Cosmos	Cosmos
14. The Role of the Earth	Earth
15. The Role of the Sun	Sun
16. The Role of the Moon	Moon
17. The Role of the Stars	Stars
18. The Role of the Planets	Planets
19. The Role of the Galaxies	Galaxies
20. The Role of the Universe	Universe

Date _____

Signature _____

Printed name _____

As _____ of _____

(Title)	(Entity)
1. The first row of the table	1. The first row of the table
2. The second row of the table	2. The second row of the table
3. The third row of the table	3. The third row of the table
4. The fourth row of the table	4. The fourth row of the table
5. The fifth row of the table	5. The fifth row of the table
6. The sixth row of the table	6. The sixth row of the table
7. The seventh row of the table	7. The seventh row of the table
8. The eighth row of the table	8. The eighth row of the table
9. The ninth row of the table	9. The ninth row of the table
10. The tenth row of the table	10. The tenth row of the table

Date _____

Signature _____

Printed name _____

As _____ of _____

(Title)	(Entity)
1. The Role of the Teacher	1. The Role of the Teacher
2. The Role of the Student	2. The Role of the Student
3. The Role of the Parent	3. The Role of the Parent
4. The Role of the Society	4. The Role of the Society
5. The Role of the Government	5. The Role of the Government
6. The Role of the Media	6. The Role of the Media
7. The Role of the Church	7. The Role of the Church
8. The Role of the Family	8. The Role of the Family
9. The Role of the Community	9. The Role of the Community
10. The Role of the Nation	10. The Role of the Nation

Date _____

Signature _____

Printed name _____

As _____ of _____

(Title)	(Entity)
1. The Great Gatsby	1. The Great Gatsby
2. The Catcher in the Rye	2. The Catcher in the Rye
3. The Sound and the Fury	3. The Sound and the Fury
4. The Love Song of J. Alfred Prufrock	4. The Love Song of J. Alfred Prufrock
5. The Waste Land	5. The Waste Land
6. The Waste Land	6. The Waste Land
7. The Waste Land	7. The Waste Land
8. The Waste Land	8. The Waste Land
9. The Waste Land	9. The Waste Land
10. The Waste Land	10. The Waste Land

Date _____

Signature _____

Printed name _____

As _____ of _____

(Title)	(Entity)
1. The Great Gatsby	1. The Great Gatsby
2. The Catcher in the Rye	2. The Catcher in the Rye
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5. The Waste Land	5. The Waste Land
6. The Waste Land	6. The Waste Land
7. The Waste Land	7. The Waste Land
8. The Waste Land	8. The Waste Land
9. The Waste Land	9. The Waste Land
10. The Waste Land	10. The Waste Land

Address Form

Case Number: C15-3111-MWB

Date: August 26, 2015

To: Clerk of Court

RE: Service on Named Defendant

Below, please find the known (or likely) addresses for the following persons/entities who have been named as defendants to this action:

Defendant: Steve Elferts
Webster County Jail
702 1st Ave. S.
Fort Dodge, Iowa 50501